



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX
75 Hawthorne Street
San Francisco, CA 94105

CERTIFIED MAIL NO. 7003 3110 0006 2000 9295
RETURN RECEIPT REQUESTED

Ms. Darla Adams
Manager, EHS, Northern California
Stericycle Environmental Solutions
11855 White Rock Road
Rancho Cordova, California 95742

RE: **Request for Information In re: Rho-Chem, LLC**
EPA Identification Number: CAD008364432

Dear Ms. Adams:

The United States Environmental Protection Agency (EPA), Region 9, hereby requests additional information following the September 21-25, 2015 compliance evaluation inspection conducted at the Rho-Chem, LLC (Rho-Chem) facility, located at 425 Isis Avenue in Inglewood, California 95742. The information being requested will supplement observations made by the EPA inspection team.

Pursuant to EPA's authority under Section 3007(a) of the Resource Conservation and Recovery Act (RCRA) [42 U.S.C. § 6927(a)], Rho-Chem is required to submit the information and documents listed in Attachment I of this letter using the instructions included in Attachment II. Also, please complete and submit the certification included in Attachment III.

Failure to respond fully and truthfully may result in an enforcement action by EPA pursuant to Section 3008(g) of RCRA (42 U.S.C. § 6928(g)). These statutory provisions authorize EPA to seek the imposition of penalties of up to \$37,500 per day of noncompliance. Please be further advised that provision of false, fictitious or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001. The information you provide may be used by EPA in administrative, civil or criminal proceedings.

This request for information is not subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act because it is not a collection of information within the meaning of 44 U.S.C. §§ 3502(3), 3507, and 3512. *See, also*, 5 CFR §§ 1320.3(c), 1320.5, and 1320.6(a). Furthermore, it is exempt from OMB review under the Paperwork Reduction Act because it is part of an investigation of a specific individual or entity. 44 U.S.C. § 3518(c)(1); 5 CFR § 1320.4.

Your response to this request must be made by letter, signed by a duly authorized official, and submitted to the EPA within thirty (30) calendar days from the date of your receipt of this letter. Please address the submittal to:

Aisha Kennedy
Mailcode: ENF-2-2
Waste and Chemical Section
Enforcement Division
U.S. Environmental Protection Agency
75 Hawthorne Street
San Francisco, CA 94105
e-mail: kennedy.aisha@epa.gov

In lieu of submitting the requested response by mail, Rho-Chem may submit the response as portable document files via electronic mail.

If you have any questions regarding this letter, please contact Aisha Kennedy at (415) 972-3301 or kennedy.aisha@epa.gov.

Sincerely,

*/Original Signed by
Kathleen H. Johnson, February
19, 2016/*

Kathleen H. Johnson
Director, Enforcement Division

cc: Robert Kou, California Department of Toxic Substances Control
Dorothy Harley, Stericycle, Inc.

Enclosures

Attachment I: List of information requested

Attachment II: Instructions

Attachment III: Certification of Answers

ATTACHMENT I

Therefore, pursuant to EPA's authority under Section 3007(a) of RCRA, Rho-Chem is requested to submit to EPA the following information:

1. A packet for each outgoing macroencapsulation/microencapsulation (macro/micro) manifest prepared by Rho-Chem from January 1, 2014 to September 30, 2015. The packet must include the following documents:
 - a. a copy of each incoming hazardous waste manifest and land disposal restriction notification associated with the outgoing macro/micro manifest.
 - b. a copy of the drum release form(s) for each incoming hazardous waste that was consolidated into the outgoing macro/micro manifested shipment.
 - c. copies of analytical results, per waste analysis plan, for each waste that was consolidated into the outgoing macro/micro manifested shipment.
 - d. a copy of waste check-in sheet for each incoming hazardous waste that was consolidated into the outgoing macro/micro manifested shipment.
 - e. a copy of each waste process form for each incoming waste that was consolidated into the outgoing macro/micro manifested shipment.
 - f. a copy of the completed generator waste profile form for each waste that was consolidated in the outgoing macro/micro manifested shipment.
 - g. a copy of the out-going macro/micro manifest.

If a document/information is requested but is not available, state the reason for its unavailability.

2. Provide the date that each of the following units were temporarily or permanently placed out-of-service: Batch Distillation System, Thin Film Evaporation System, Fractionation Column and Tank 41. Additionally, provide the reason why each of units were temporarily or permanently placed out-of-service. Prior to the September 21-25, 2015 inspection, provide the last date the units were used, if this date differs from the date the units were temporarily or permanently placed out-of-service.
3. Provide copies of any written notifications to the California Department of Toxic Substances Control (DTSC) advising that the units listed in Item 2 above were temporarily or permanently placed out-of-service.
4. Provide copies of internal or third party communication records developed prior to September 21, 2015 that are not classified as attorney-client privileged information concerning the temporary or permanent closure or use of the units listed in Item 2 above.
5. Provide an inventory of the amount and type of solvents that are currently being stored in the following aboveground storage tanks: 50, 51, 52, 53, and 54. Provide the last date any solvents were added or removed from each of the tanks.
6. If any of the tanks listed in Item 5 above are empty, provide the date the tank was cleaned and a copy of the outgoing manifest(s) of any sludges or solids generated from the clean-out of the tank.

7. Provide an inventory of each container of solvent observed in the warehouse located at 8716 Aviation Boulevard. Also, provide the date that each container was placed in the warehouse, and provide the last date any solvent containers were shipped into and out of the facility warehouse.
8. Provide current status of Tanks 77 and 78. Provide the last date any solvents were added or removed from each of the tanks. If Tanks 77 and 78 are empty, provide the date each tank was cleaned and a copy of the outgoing manifest(s) of any sludges or solids generated from the clean-out of the tank.
9. As observed during the inspection, some of the containers in the Warehouse located at 8716 Aviation Boulevard were marked: "Need to Reworked." Provide the current status of these containers.
10. Provide a copy of each current unit/equipment air pollution control permit issued by the South Coast Air Quality Management District.
11. As observed by the EPA inspectors, a section of pipe associated with Rho-Chem's air pollution control system was missing. Provide the following information concerning the missing pipe:
 - a. the date the section of piping was removed.
 - b. provide the reason why the section of piping was removed.
 - c. describe the purpose of the pipe.
 - d. provide the flow direction of the pipe contents.
 - e. provide a list of the air pollution control units, process units, product storage tanks and/or waste storage tanks serviced (connected) to the pipe.
 - f. provide current status of the pipe and the air pollution control units, process units, product storage tanks and/or waste storage tanks serviced by the pipe.
12. As observed by the EPA inspectors, one of the knock-out pots near the loading dock and Area D was not fully secured to the ground. Additionally, a section of a 1-inch pipe had corroded through leaving a gap. Provide the following information concerning the knock-out pot and corroded 1-inch pipe:
 - a. provide a written description of the knock-out pot to include the purpose of the knock-out pot.
 - b. provide the date the corroded 1-inch pipe leading to the knock-out pot was repaired.
 - c. provide a list of process units, product storage tanks, and/or hazardous waste storage tanks that are served by the knock-out pot.
 - d. provide a copy of the last documented inspection (prior to EPA's inspection) of the facility's air pollution control system including the described knock-out pot.
 - e. provide the last date waste solvents were removed from the knock-out pot and the disposition of the waste solvents.
13. There is a knock-out pot located in Area A adjacent to the drum crusher. Provide the last date solvents were removed from the knock-out pot and the disposition of the waste solvents.
14. Provide the date the last time the air pollution control carbon units were changed out. Additionally, provide a copy of the outgoing manifest for the spent carbon.

15. Rho-Chem's air pollution control emission recording equipment is located inside the warehouse building with the address of 8716 Aviation Boulevard. On September 23, 2015, 11:20 a.m. the equipment monitor had the following readings: Sample.A, 10 ppm, Sample.B, -2 ppm, Cal Ch1, -1 ppm, Sample.C, -1.02 ppm, and Cal Ch2, -0.2. Please explain what is being monitored by each of the channels. Additionally, explain the meaning of each of the readings.
16. Provide the current status of the Batch Distillation Unit.
17. On September 21, 2015, the Inspection Team observed a mounted 55-gallon blue plastic container connected with hoses and a smaller blue plastic container near the batch distillation unit (see Photograph below).



Please provide a detailed written description of the purpose of each of the containers. If any hazardous wastes were generated from the use of the two containers, provide a description of the waste(s) including EPA Waste Codes (e.g., D001). Additionally, provide a copy of the last manifest which included the waste(s) removed from the containers.

18. In April 2014, Stericycle, Inc. (Stericycle) acquired PSC Environmental Services, LLC (PSC). Rho-Chem, LLC was a wholly-owned company of PSC. Please provide documentation that supports that Stericycle, Inc. complied with 22 CCR § 66270.40 [40 CFR § 270.40] permit transfer requirements when Stericycle acquired controlling interest in Rho-Chem.
19. In a February 10, 2016 conference call between EPA Region 9 and Rho-Chem representatives, Aisha Kennedy informed Rho-Chem that the facility was using two 40 cubic-yard roll-off containers to accumulate hazardous waste within Area H. The permit limits the size of the containers to two 30 cubic-yard containers. Ms. Darla Adams, Stericycle stated that this was a mistake. Further, Ms. Adams stated Rho-Chem had made a request to DTSC to modify the permit to allow for the use of two 40 cubic-yard roll-off containers within Area H. Provide any documented communications with the DTSC permit writer concerning the use of 40 cubic-yard roll-off containers within Area H. Note: The 2008 Part B permit application, incorporated into the RCRA Permit issued by DTSC on August 28, 2008, Pages A-5, B-4, D-1, and D-9, Rho-Chem states that two 30 cubic-yard roll-off containers will be used within Area H.
20. In a February 10, 2016 conference call between EPA Region 9 and Rho-Chem representatives, Aisha Kennedy and John Schofield provided a current summary of EPA Region 9's inspection

findings to Rho-Chem. Provide costs that Rho-Chem has expended and/or anticipates to expend in order to bring the facility into compliance with the identified areas of concern identified during the conference call. The costs must include both labor and material expenses. The expenses must be classified into one of the following categories:

- a. One-time only expenses
- b. Annual recurring expenses
- c. Capital expenses

ATTACHMENT II INSTRUCTIONS

In responding to this Request for Information, apply the following instructions and definitions:

1. Answer Every Question Completely. A separate response must be made to each of the questions set forth in this Information Request. For each question contained in this letter, if information responsive to this Information Request is not in your possession, custody, or control, please identify the person(s) from whom such information may be obtained.
2. Number Each Answer. When answering the questions in Attachment I, please precede each answer with the corresponding number of the question and subpart to which it responds.
3. Number Each Document. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the question to which it corresponds.
4. Provide the Best Information Available. Provide responses to the best of Respondent's ability, even if the information sought was never put down in writing or if the written documents are no longer available. You should seek out responsive information from current and former employees/agents, if necessary. If you are unable to answer a request in a detailed and complete manner or if you are unable to provide any of the information or documents requested, indicate the reason for your inability to do so. If you have reason to believe that there is an individual who may be able to provide more detail or documentation in response to any request, state that person's name and last known address and phone number and the reasons for your belief.

If anything is deleted from a document produced in response to this Request for Information, state the reason for and the subject matter of the deletion. If a document/information is requested but is not available, state the reason for its unavailability. In addition, identify any such document by author, date, subject matter, number of pages, and all recipients and their addresses.

5. Identify Sources of Answer. For each question, identify all the persons and documents that you relied on in producing your answer.
6. Continuing Obligation to Provide/Correct Information. If additional information or documents responsive to this Request become known or available to you after you respond to this Request, EPA hereby requests that you supplement your response to EPA.
7. Scope of Request. The scope of this request includes all information and documents independently developed or obtained by research on the part of your company, its attorneys, consultants or any of their agents, consultants or employees.
8. Have an Authorized Person Sign the Response and Certification (Attachment III). The signatory must be an officer or agent who is authorized to respond on behalf of the company or facility.

9. **Confidential Information.** The information requested herein must be provided even though you may contend that it includes confidential information or trade secrets. You may assert a confidentiality claim covering part or all of the information requested, pursuant to Section 3007(b) of RCRA, 42 U.S.C. § 6927(b), and 40 C.F. R. § 2.203(b).

If you make a claim of confidentiality for any of the information you submit to EPA, you must prove that claim. For each document or response you claim confidential, you must separately address the following points:

- i. clearly identify the portions of the information alleged to be entitled to confidential treatment;
- ii. the period of time for which confidential treatment is desired (e.g., until a certain date, until the occurrence of a specific event, or permanently);
- iii. measures taken by you to guard against the undesired disclosure of the information to others;
- iv. the extent to which the information has been disclosed to others, and the precautions taken in connection therewith;
- v. pertinent confidentiality determinations, if any, by EPA or other federal agencies, and a copy of any such determinations or reference to them, if available; and
- vi. whether you assert that disclosure of the information would likely result in substantial harmful effects on your business' competitive position, and if so, what those harmful effects would be, why they should be viewed as substantial, and an explanation of the causal relationship between disclosure and such harmful effects.

To make a confidentiality claim, please stamp, or type, confidential on all confidential responses and any related confidential documents. Confidential portions of otherwise nonconfidential documents should be clearly identified. You should indicate the date, if any, after which the information need no longer be treated as confidential. Please submit your response so that all nonconfidential information, including any redacted versions of documents are in one envelope and all materials for which you desire confidential treatment are in another envelope that is clearly marked confidential.

All confidentiality claims are subject to EPA verification. It is important that you satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so, and that it is not and has not been obtainable by legitimate means without your consent. If no such claim accompanies the information when it is received by EPA, then it may be made available to the public by EPA without further notice to you.

If the EPA determines that the information so designated meets the criteria set forth in 40 C.F.R. § 2.208, the information will be disclosed only to the extent, and by means of the procedures specified in 40 C.F.R. Part 2, Subpart B..

ATTACHMENT III
CERTIFICATION OF ANSWERS TO RESPONSES TO REQUEST FOR INFORMATION

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document (response to EPA Request for Information) and all documents submitted herewith, that the submitted information is true, accurate and complete, and that all documents submitted herewith are complete and authentic, unless otherwise indicated. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

NAME (print or type)

TITLE (print or type)

SIGNATURE

DATE